

DAVID I. SCHOEN (*PRO HAC VICE*)  
ATTORNEY AT LAW  
2800 ZELDA ROAD, SUITE 100-6  
MONTGOMERY, ALABAMA 36106  
TELEPHONE: 917-941-7952  
E-MAIL: [SCHOENLAWFIRM@GMAIL.COM](mailto:SCHOENLAWFIRM@GMAIL.COM)

SOYEUN D. CHOI, ESQ., PC (SBN 211344)  
969G EDGEWATER BLVD, 314  
FOSTER CITY, CA 94404  
TELEPHONE: (650) 380-6116  
E-MAIL: [SOYEUN@SOYEUNESQ.COM](mailto:SOYEUN@SOYEUNESQ.COM)

Counsel for all Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p><b>PEACE AND FREEDOM PARTY, et. al.,</b></p> <p>Plaintiffs,</p> <p><b>v.</b></p> <p><b>DR. SHIRLEY N. WEBER, CALIFORNIA</b> <b>SECRETARY OF STATE,</b></p> <p>Defendant.</p>	<p>3:24-cv-08308-MMC</p> <p><b>STIPULATION AND JOINT REQUEST TO MODIFY BRIEFING SCHEDULE ON MOTIONS TO DISMISS THE FIRST AMENDED COMPLAINT</b></p> <p>Courtroom: 7 Judge: Hon. Maxine M. Chesney Trial Date: None set Action Filed: November 21, 2024</p>
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In accordance with Local Rules 6-2 and 7-12, Plaintiffs Peace and Freedom Party, Libertarian Party of California, Green Party of California, American Solidarity Party of California, Gail Lightfoot, Joe Dehn, Sean Dougherty, William Patterson, Aaron Reveles, and Shannel Pittman; Defendant Shirley Weber, in her official capacity as California Secretary of State; and Intervenor-Defendants Californians to Defend the Open Primary and Independent Voter Project (altogether, the “Parties”), hereby stipulate and ask the Court to modify the briefing schedule on Defendant’s and Intervenor-Defendants’ motions to dismiss the First Amended Complaint (FAC), as follows:

WHEREAS, Plaintiffs filed the FAC on February 21, 2025, ECF No. 31;

1 WHEREAS, on March 3, 2025, the Parties filed a Stipulation and Joint Request, ECF No.  
2 32, asking the Court to issue an order adopting the Parties' stipulated briefing schedule that  
3 provided for Plaintiffs' response in opposition to the motions to dismiss to be filed on May 29,  
4 2025 and the moving parties' replies to be filed on June 13, 2025, with a stipulated hearing date  
5 of July 27, on Defendant's and Intervenor-Defendants' then-forthcoming motions to dismiss the  
6 FAC;

7 WHEREAS, on March 4, 2025, the Court issued an Order adopting the parties' proposed  
8 briefing schedule but setting a hearing date of July 11, 2025, ECF No. 33;

9 WHEREAS, on April 11, 2025, Defendant and Intervenor-Defendants filed their motions to  
10 dismiss the FAC, *see* ECF Nos. 34, 35, 36 (Defendant's Amended Notice of Motion);

11 WHEREAS, on April 21, 2025, the parties filed a stipulation and joint request to continue  
12 the hearing on the motions to dismiss until August 22, 2025, ECF No. 37;

13 WHEREAS, on April 22, 2025, the Court entered an Order adopting the stipulation and  
14 joint request and setting the hearing on the motions to dismiss for August 22, 2025 and the Case  
15 Management Conference for October 24, 2025, ECF No. 38;

16 WHEREAS, an unforeseeable personal issue has arisen for Plaintiffs' counsel which, along  
17 with other work obligations and religious observance issues, requires Plaintiffs' counsel to  
18 request this extension of the briefing schedule;

19 WHEREAS, counsel for all parties have conferred to agree on new dates for the briefing  
20 schedule which would allow all parties to meet their respective modified filing deadlines, given  
21 their respective obligations in other matters,

22 NOW THEREFORE,

23 The Parties have agreed to and ask the Court to enter an order modifying the briefing  
24 schedule on the motions to dismiss such that Plaintiffs' response to the two motions to dismiss  
25 would be continued from May 29, 2025 to June 26, 2025 and the moving parties' replies in  
26 further support of their respective motions to dismiss would be continued from June 13, 2025 to  
27 July 28, 2025.  
28

1       The parties have further agreed that they can and will be prepared to keep the August 22,  
2       2025 hearing date on the motions to dismiss and the October 24, 2025 Case Management  
3       Conference Case as presently set. In the alternative, if the Court finds that it needs to move those  
4       dates in light of the requested modified briefing schedule, the parties can all be prepared to appear  
5       for a hearing on the motions to dismiss on October 17, 2025, with the Court setting a Case  
6       Management Conference for a date the Court deems appropriate.

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Respectfully submitted,

ROB BONTA  
Attorney General of California  
ANTHONY R. HAKL  
Supervising Deputy Attorney General

s/ Gabrielle D. Boutin  
GABRIELLE D. BOUTIN  
Deputy Attorney General  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 210-6053  
Fax: (916) 324-8835  
E-Mail: Gabrielle.Boutin@doj.ca.gov  
*Attorneys for Dr. Shirley Weber, in her  
official capacity as California Secretary of  
State*

s/ Soyeun D. Choi  
Soyeun D. Choi (SBN 211344)  
Soyeun D. Choi, Esq., PC  
969G Edgewater Blvd, 314  
Foster City, CA 94404  
Telephone: (650) 380-6116  
E-mail: Soyeun@SoyeunEsq.com

s/ David I. Schoen  
David I. Schoen (pro hac vice)  
Counsel for Plaintiffs  
David I. Schoen  
Attorney at Law  
2800 Zelda Road, Suite 100-6  
Montgomery, Alabama 36106  
Telephone: 917-941-7952  
Facsimile: 917-591-7586  
E-Mail: Schoenlawfirm@gmail.com

*Attorneys for All Plaintiffs*

s/ Christopher E. Skinnell  
Christopher E. Skinnell  
NIELSEN MERKSAMER LLP  
2350 Kerner Boulevard, Suite 250  
San Rafael, CA 94901  
Telephone: 415-389-6800  
Fax: 415-388-6874  
E-Mail: cskinnell@nmgovlaw.com

*Attorneys for Intervenor-Defendants*  
CALIFORNIANS TO DEFEND THE OPEN  
PRIMARY and INDEPENDENT VOTER  
PROJECT

**FILER'S ATTESTATION**

I, David I. Schoen attest in accordance with Local Rule 5-1(i)(3) that each of the other signatories to this document have concurred in the filing of the document.

Dated: May 20, 2025

s/ David I. Schoen  
David I. Schoen